

## ORDINANCE 2022-10

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 18, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, USE PERMITS – RECREATION FACILITIES, BY ADDING SEC. 18- LEAGUE BACKGROUND CHECKS ; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED** by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. Lake Wales Code of Ordinances Chapter 18, Streets, Sidewalks, and Other Public Places, Article V, Use Permits – Recreation Facilities, is hereby added as follows:

### Sec. 18-138. League Background Checks

#### (a) General Background Check Requirements

##### (1) Applicability

(a) The provision in this section shall apply to any coach, assistant coach, or other person who has or may have contact with any participating minor, hereinafter “applicable person,” within an organization seeking use of any City-owned facility, on a regular basis, that provides recreational or educational activities for minor children, hereinafter “requesting organization.: Use on a “regular basis” shall be evidenced by a contract for use or a pattern performed by the requesting organization. The characterization of a “regular basis” shall be made at the discretion of the Recreation Director / Manager.

(b) The requirements contained herein shall apply whether the coach/other personnel are paid staff or unpaid volunteers.

##### (2) Requirement for Background Check

(a) As of the effective date of this policy, prior approval for the use of any City-owned facility, all requesting organizations shall submit to the City’s Recreation Department evidence of completion of the required background checks for all applicable persons. The required background checks shall be conducted, with the responsibility of the cost to be borne by the requesting organization.

(b) The requesting organization shall be required to provide evidence annually and must update it as any new applicable person is brought into the organization.

##### (3) Criteria for Background Checks

(a) Background checks shall include a search for arrests for all of the following:

- (i) All Sex Offenses
- (ii) Violent Felonies
- (iii) Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years.)
- (iv) Misdemeanor or Felony Drug offenses including sale, delivery, and distribution
- (v) Misdemeanors related to children

(4) Exclusion from Coaching or Supervising Minors

(a) A conviction or a plea of Guilty or No Contest (regardless of adjudication) for the following offenses:

- (i) All Sex Offenses
- (ii) Violent Felonies
- (iii) Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years.)
- (iv) Misdemeanor or Felony Drug offenses including sale, delivery, and distribution
- (v) Misdemeanors related to children

Shall make the applicable person ineligible to coach or have any other official contact with participating minors through the requesting organization at a City-owned facility. If an arrest for any of the above offenses has been evidenced in the background check, the records must clearly indicate that there was no conviction and/or no plea of Guilty or No Contest for the offense (or lesser applicable offense) for which the arrest was made. Requesting organizations shall be responsible for ensuring that ineligible candidates do not participate in the coaching and/or supervision of minor children within the organization's programs.

\*Other charges and cases may be considered on a case-by-case basis.

(5) Penalties

(a) Failure to comply with the requirement to conduct background checks or to exclude ineligible persons from coaching or having contact with participating minors, shall preclude the requesting organization from using any City-owned facility.

(b) Severability

(1) If any section or portion of a section or subsection of this chapter proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this chapter.

(c) Conflicts

(1) All City policies conflict herewith are hereby repealed.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor/Commissioner, City of Lake Wales

ATTEST:

\_\_\_\_\_  
City Clerk

